

Banner & Witcoff Ref. No.
Client Ref. No.

01107.82346
DM-3449

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names:

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SUBTLE MITOCHONDRIAL MUTATIONS AS TUMOR MARKERS, the specification of which

- ☐ is attached hereto.
☒ was filed on August 26, 1999 as Application Serial Number 09/377,856 and was amended on _____ (if applicable).
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/097,307	08/20/98	Yes

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Banner & Witcoff Ref. No.
Chet Ref. No.

01167.62346
DM-3419

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following at attorneys and agents, their registration numbers being listed after their names:

ALTHERG, Robert F.	31,810	HONG, Patricia E.	34,373	NELSON, Jon O.	34,566
BANNER, Donald W.	17,037	HOSCHKEIT, Dale H.	19,090	NIEGOWSKI, James A.	28,331
BANNER, Mark T.	29,828	HYMEL, Lin J.	45,414	PATEL, Bimal J.	42,067
BANNER, Pamela I.	33,644	IVANICKI, John P.	34,626	PATHAK, Ajay S.	35,266
BROCK, Matthew P.	45,854	JACKSON, Thomas H.	29,826	PETERSON, Thomas L.	30,269
BECKETT, William W.	18,762	KAGAN, Sarah A.	52,141	POTENZA, Joseph M.	28,178
BERCHAMMER, Joseph J.	48,037	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
BODINEK, Jordan	42,336	KLEIN, William J.	42,719	RENK, Christopher J.	33,761
BURTON, Scott A.	42,373	KRAUSE, Joseph P.	32,578	RESIS, Robert H.	32,168
CALLAHAN, James V.	20,095	LINEK, Ernest V.	29,822	RIVARD, Paul M.	43,446
CHANG, Steve S.	42,402	MALONE, Dale A.	52,155	ROBINSON, Douglas W.	32,751
COHAN, Gregory J.	40,939	MANNARA, Arthur K.	45,301	SCHAD, Steven P.	32,450
COCHFRMAN, Marc S.	24,143	MAPLE, Mune-Clair B.	37,588	SHIPLEY, Charles W.	28,042
CURTIN, Joseph P.	44,571	MAY, Steven A.	41,912	SHULL, Jason	47,085
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SKERPON, Joseph M.	29,864
DeMOOR, Laura J.	39,634	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas J.	35,805	McKEE, Edward F.	17,335	VAN ES, J. Peter	37,746
FEDORUCHIKO, Gary D.	35,509	MEDLOCK, Nina L.	29,673	WITCOFF, Sheldon W.	17,397
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,453	WOLFF, Franklin D.	19,724
FICKLER, Debra A.	46,699	MEEKER, Fredene M.	35,282	WOLFE, Susan A.	33,561
FISHER, William J.	22,123	MILLER, Charles L.	43,805	WRIGHT, Bradley C.	38,064
GLEMEOCK, Christopher R.	38,500	MITRUS, Janice Y.	43,805		
HANLON, Gary E.	40,149	MORENO, Christopher P.	38,566		
HIMMENDENBERG, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912		

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature _____ Date _____
Full Name of First Inventor POLYAK Kornelia
Family Name First Given Name Second Given Name
Residence Roslindale, MA Citizenship Hungarian
Post Office Address 26 Fairview Street, Roslindale, MA 02131

Signature [Signature] Date 9/30/01
Full Name of Second Inventor VOGELSTEIN Bert
Family Name First Given Name Second Given Name
Residence Baltimore, Maryland Citizenship United States of America
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

BANNER & WITCOFF, LTD

Signature: Kenneth W. Kinzler Date: 10/2/01
Full Name of Third Inventor: KINZLER Family Name: Kenneth First Given Name: W. Second Given Name:
Residence: Bel Air, Maryland Citizenship: United States of America
Post Office Address: 1493 Halkirk Way, Bel Air, Maryland 21015

204270-1195007

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Attorney Docket No. 01107.82346

Kornelia POLYAK et al.

Group Art Unit: 1655
Examiner: C. Wilder

Serial No. 09/377,856

Filed: August 20, 1999

BATCH No. M76

For: SUBTLE MIOCHONDRIAL MUTATIONS AS TUMOR MARKERS

SUBMISSION OF SUBSTITUTE DECLARATION

Assistant Commissioner of Patents
Washington, D.C. 20231

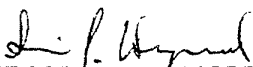
Sir:

Submitted herewith two identical Declarations: the first executed by the named inventor Kornelia Polyak; the second by the named inventors Bert Vogelstein and Kenneth Kinzler. These two declarations are to be considered as a single Joint Substitute Declaration.

Applicants request that the attached Substitute Declaration replace the originally filed Declaration in the above-subject U.S. patent application, since the originally filed Declaration erroneously claimed benefit from prior United States application 60/377,856 filed August 20, 1999, when, in fact, the benefit should have been from serial number 60/097,307, filed August 20, 1998. "The errors in the originally filed declaration were typographical errors." The Substitute Declaration further updates the residence address of Kornelia Polyak, which has changed since the filing of the original Declaration.

The undersigned believes that no additional fees are involved in filing this Substitute Declaration. However, if necessary, the Commissioner is hereby authorized to charge any additional fees to Deposit Account 19-0733.

Respectfully submitted,

By: 
Lin J. Hymel
Registration No. 45,414

Dated: 10-26-01

BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001

Banner & Witcoff Ref. No: 01107.82346
Client Ref. No. DM-3449

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

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BANNER, Mark T.	29,883	HYMEL, Lin J.	45,414	PATEL, Bimal J.	42,065
BANNER, Patricia I.	33,444	SWANICKI, John P.	34,628	PATRAK, Ajay S.	38,266
BECKER, Matthew P.	45,828	JACKSON, Thomas H.	29,808	PETERSON, Thomas L.	30,969
BECKETT, Wilson W.	18,262	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	24,175
BERGMANMER, Joseph J.	46,057	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
BODNER, Jordan	42,338	KLEIN, William J.	43,719	RENK, Christopher J.	33,761
BUROW, Scott A.	42,375	KRAUSE, Joseph P.	32,578	REIS, Robert H.	32,168
CALLAHAN, James V.	20,095	LINEK, Ernest V.	29,822	RIVARD, Paul M.	43,448
CHANG, Steve E.	42,402	MALONE, Dale A.	32,155	ROBINSON, Douglas W.	32,751
COHAN, Gregory J.	40,959	MANNAYA, Ashok K.	45,301	SCHAD, Steven P.	32,550
COOPERMAN, Marc S.	34,143	MAPLE, Mario-Claire B.	37,568	SHIPLEY, Charles W.	28,042
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, James	47,085
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SKERPON, Joseph M.	29,364
DeMOOR, Laura J.	32,634	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas L.	35,805	McKIE, Edward F.	17,335	VAN ES, J. Pieter	37,746
FEDOROVICH, Gary D.	35,309	MEDLOCK, Nina L.	28,673	WITCOFF, Sheldon W.	17,399
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,553	WITCOFF, Sheldon W.	19,724
PICKLER, Debra A.	46,699	MESKER, Frederic M.	35,282	WOLFFE, Franklin D.	33,568
FISHER, William I.	32,133	MILLER, Charles L.	43,805	WOLFFE, Susan A.	38,061
GEMBOCKI, Christopher R.	38,800	MITREUS, Janice V.	43,808	WRIGHT, Bradley C.	
HANLON, Brian E.	40,449	MORENO, Christopher P.	38,566		
HEMMENDINGER, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912		

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Signature [Signature] Date 10/2/01
Full Name of First Inventor POLYAK Family Name Kornelia First Given Name Second Given Name
Residence Boston, MA BROOKLINE, MA Citizenship Hungarian
Post Office Address 26 Fairview Street, Boston, MA 02111 1856 BEACON ST. APT 6F
BROOKLINE, MA 02445 #KP 10/2/01

Signature _____ Date _____
Full Name of Second Inventor VOGELSTEIN Family Name Bert First Given Name Second Given Name
Residence Baltimore, Maryland Citizenship United States of America
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

Signature _____ Date _____
Full Name of Third Investor KINZLER Kenneth W
Family Name First Given Name Second Given Name
Residence Bel Air, Maryland Citizenship United States of America
Post Office Address 1403 Belkirk Way, Bel Air, Maryland 21015

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